

**REMARKS**

Please reconsider this application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

**Disposition of the claims**

Claims 1-8 are pending in this application. Claims 1, 5, and 8 are independent. Claims 2-4 and 6-7 depend, directly or indirectly, from claims 1 and 5, respectively.

**Amendments to the claims**

Claims 1-8 are amended by way of this reply. Independent claims 1, 5, and 8 are amended to remove reference to “at least one location” and “unmoved.” These claims are further amended to incorporate, substantially, “the rewritable flash memory includes program information, the prescribed information is written in an area of the rewritable flash memory not containing program information, and the rewritable flash memory is attached to a digital video device in a detachable manner.” Further, claims 1-8 are amended for non-substantive purposes and consistency. No new matter is added by way of these amendments as support may be found in Figures 1, 2 and 4 and paragraphs [0029]-[0036] of the published specification.

**Rejections under 35 U.S.C. §112**

Claim 1 stands rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement for including reference to specific “location.” Claims 1, 5, and 8 stand rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written

description requirement for including reference to “unmoved” locations. Claims 1, 5, and 8 are amended to remove reference to the basis of these rejections. Accordingly, Applicant respectfully requests withdrawal of these rejections.

### **Rejections under 35 U.S.C. §103**

Claims 1-8 stand rejected under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 5,481,610 (“Doiron”) in view of U.S. Patent Publication No. 2003/0182565 (“Nakano”). Claims 1, 5, and 8 are amended by way of this reply. To the extent the rejections may still apply to the claims as amended, the Applicant respectfully traverses as set forth below.

MPEP § 2143 states that “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in KSR noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.” Further, when combining prior art elements, the Examiner “must articulate the following: (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference...” See MPEP § 2143(A).

Embodiments of the claimed invention relate to a digital video disc (DVD) device. Particularly, an encryption system is claimed including a detachable and rewritable flash memory containing program information and an area of prescribed size that contains key data. The key data allows for accessing information of a DVD. The key data is recorded in a prescribed address, and is

surrounded by random data, making illicit decryption more difficult. Further, the key data, within the random data, is surrounded by program data, making the key data indistinguishable from the random data and the program data. Key data writing equipment is also configured to modify the key data.

The key data may be mounted to DVD equipment during manufacture and allow the equipment to read encrypted DVDs that are placed in the equipment. (Published Specification, ¶ [0030]). According to limitations of the claimed invention, the rewritable flash memory is detachably attached to the DVD equipment, and therefore the flash memory may be removed from the equipment and the key data may be mounted to additional equipment. (Published Specification, ¶¶ [0032]-[0033]). Additionally, as the key data, random information, and program information are all contained on one flash memory the program information and key information may be written at one time. Further, the detachable and rewritable flash memory may be attached to a computer or other key data writing equipment to be modified. (Published Specification, ¶¶ [0035]-[0036]).

Accordingly, independent claim 1 requires, in part, “a rewritable flash memory including program information and an area of prescribed size...[with key data] recorded in advance in at least one prescribed address in an unused specific area of the area of prescribed size;...random data is written in all of the unused area around...the key data..., the key data is configured to be modified by a key data writing equipment, and the rewritable flash memory is attached to the digital video disc device in a detachable manner.” Independent claims 5 and 8 recite substantially similar limitations.

In contrast, Doiron relates to radio frequency communications systems and writing key data “within a field of randomized data.” (Doiron, col. 1, ll. 6-12 and col. 15, ll. 2-7). Accordingly, Doiron fails to teach key data is configured to be modified by key data writing equipment, as Examiner admits. (Office Action, October 5, 2009, page 6). Additionally, Doiron completely fails to teach, or even suggest, writing program information, and, further, writing key data surrounded by random data and written within the program information. Doiron, additionally, fails to teach a detachable and rewritable flash memory.

Nakano fails to provide that which Doiron lacks. Nakano is directed to “a data protection system that reduces to a degree the amount of encrypted data that is distributed to a multiplicity of terminals....” (Nakano, Abstract). Further, Nakano is merely cited to provide application to DVDs and that key data may be modified by key data writing equipment. (Office Action, October 5, 2009, pages 5-6). Applicant asserts that Nakano fails to teach at least key data that may be modified by key data writing equipment.

Specifically, the Examiner alleges that element 304 of Nakano, the key information updating unit, is analogous to key data writing equipment, and that the key data is modified. However, element 304 merely updates *invalidation information* regarding key information. (Nakano, ¶¶ [0113]-[0118]). Furthermore, the key information is merely *designated* as invalid, using a designator, which is completely independent of the key data. (*Id.*). Invalidation information “serves as a basis for judging whether each of the keys assigned to a node can be used as an encryption key.” (Nakano, ¶ [0115]). Designated invalid keys are then ignored in the encryption/decryption process, and are not modified to a useable state. (Nakano, ¶¶ [0113]-[0118]).

Therefore, Nakano fails to teach at least key data that can be modified by key data writing equipment, as required by the independent claims.

Further, Nakano fails to teach writing key information surrounded by random data and further surrounded by program information, as claimed. Nakano completely fails to discuss how the encryption key data is written and where the key information is located in relation to other information. Additionally, Nakano fails to teach any kind of detachable and rewritable flash memory. Nakano is directed to terminals which may determine encryption/decryption information. Accordingly, Nakano actually teaches away from using a detachable and rewritable flash memory.

In view of the above, independent claims 1, 5, and 8 are patentable over Doiron and Nakano, whether considered separately or in combination, for at least the reasons set forth above. Dependent claims 2, 3, 4, 6, and 7 are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

**Conclusion**

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 04536/034001).

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Respectfully submitted,

By 

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